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MINUTES

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The Town of Manteo Board of Commissioners held their Recessed July 1, 2020 on July 15, 2020 at Town Hall, 407 Budleigh Street, Manteo, NC and via teleconference accessing the meeting by calling +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 and then entering the Meeting ID of 622-572-789. Members of the public are welcome to participate in the Public Hearing or Public Comment segments at 5:00 pm

The following members were present:

Mayor Bobby Owens  
Commissioner Darrell Collins  
Commissioner Christine Walker  
Commissioner Betty Selby  
Commissioner Richie Burke  
Commissioner Jason Borland

The following members were absent:

Commissioner Eddie Mann

Also present at the meeting were: Town Manager-James Ayers; Assistant Town Manager Becky Breiholz, Town Clerk; Carl Woody, IT Director

Mayor Owens called the recessed July 15, 2020 meeting to order at 5:00 pm and Mr. Ayers did a roll call: Mayor Bobby Owens-via teleconference; Mayor Pro Temp Selby-via teleconference; Commissioner Richie Burke-present; Commissioner Jason Borland-present; Commissioner Collins-via teleconference; Commission Walker-via teleconference.

**CONSENT AGENDA**

Approval of Roanoke Island Volunteer Fire Department renewal of Fire Service Contract and CAMA Resolution 2020-04 Access Grant for Shallowbag Bay Boardwalk Replacement Project

**MOTION:** Commissioner Selby seconded by Commissioner Borland to approve items on the consent agenda as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Selby, Collins, Walker and Borland. Nays: None. Absent: Mann.

**DEPARTMENT HEAD REPORTS:**

The Department Head reports were given to the Board and are online for the general public to review and encourage everyone to look at them to see what the Departments having been doing.

Town Manager James Ayers commented that at the request of the Commissioners a spotlight video was done on the Police Department and it was shown to the Board and will be put on the Town's website and social media.

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**PRESENTATIONS**-Marshes Light Boardwalk and Park. Town Manager Mr. Ayers stated that this would be a presentation by Bob Keeney.

Mr. Keeney wanted to make clear that he is not here tonight to talk about the hotel development at Marshes Light. The Marshes Light Homeowners would like to donate the Marshes Light Boardwalk and creation of new town park. Section 3 of the Conditional Use Permit requires that the homeowners maintain/rebuild a boardwalk and provide a 30-foot easement for public use. Manteo and Visitors Bureau market and encourage visitors and residents to use the boardwalk. The portion of the boardwalk they want to donate is from the Maritime Museum all the way around to the first slip of the Marshes Light marina and they would want some restrictions to the area near the condos. The Town can obtain government grants from FEMA/CAMA and other government agencies for reconstruction after storms and the owners cannot. The homeowners could face up to 1 million of expense after each occurrence which would also be delayed as the homeowners tried to obtain financing. The Homeowners are liable for any injury occurring on the boardwalk/easement. The Homeowners have approached declarant, SAGA and they agreed to donate a portion of the boardwalk/easement for use by the Town as a park. This would result in a new town park for enjoyment of all. They are asking for the Board's support and direct Town staff to work with the homeowners on legal documents to accomplish this donation and would like to start that process now.

Commissioner Burke asked if the developer has been asked to pay. Mr. Keeney commented that the developer contributes money into it; the problem is when we have a storm and with no financial assistance it would cost millions and the developer will not be there forever. Commissioner Collins stated his concern is the condition of the boardwalk now and would like an inspection done and if any repairs needed, they be done before the Town takes it over. Mr. Keeney believes it is up to standards. Commissioner Burke thinks it needs to be repaired before we take it over. Mayor Owens stated this is just a presentation no action is needed. Mr. Ayers commented that if the Board wants an appraisal there would be multiple layers that needed to be done. Mayor Owens asked how long, and Mr. Ayers commented 60-90 days from when we start. It would include the cost of marine engineer for inspection; cost of the Town Attorney and does not want to expend any funds without Board approval. There would need to be discussions with representatives from Marshes Light; public hearing and we would have to follow the NCGS for acceptance of property. Commissioner Walker's concern is the cost of getting it to the point we could accept it and our highest consideration is our budget. Consensus of the Board for Mr. Ayers to get a cost estimate for an assessment and any other information for discussion at a later date.

#### **PUBLIC COMMENT**

Mr. Ayers read into the record an email was received from Susan and Steve Ehart-"As a resident of the Marshes Light Condos, my husband and I enthusiastically support the town taking over the Marshes Light portion of the boardwalk from Saga. We would like to see the entire boardwalk up to the Marina be included. However, we do have some concerns as to the public use of the "easement" area closest to the marina which is basically condo resident's yards. Currently the public walk, ride bikes and walk their dogs in this area which has presented

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no problems. Any additional use, picnic tables, children's play area etc. would be a problem both for noise and safety reasons due to the close proximity to the marina."

We are also concerned about the responsibility of the landscaping...grass, trees, shrubs etc. The trees have been a huge issue between the condo owners and the Master Association. I hope these details can be resolved before a decision is made. We do believe the town can do a better job of maintaining and putting the boardwalk area to the best use for all residents and visitors to Manteo.

For those listening and would like to make a public comments Mr. Ayers asked they hit star 9 and you will be identified by the last 4 digits of your phone number.

#9399 Scott Hill, Board of Director for the Marshes Light Condo Association and thanked the Board for moving forward to get more information regarding the Marshes Light Boardwalk.

#### Mayor/Commissioners Comments

Commissioner Walker would like to commend the police department.

Commissioner Burke received an email from Nicole Northrup about the trash along the causeway to Pirates Cove and would like us to coordinate with the County and NCDOT to get the causeway clean. Mr. Ayers commented that this problem has come up before and we did coordinate with the County and NCDOT to get the trash picked up since it is not in our jurisdiction. NCDOT had a dedicated person to pick up that area; then a contractor was hired and now NCDOT funding has been cut. Commissioner Collins says the Town has two litter pickups in the spring and fall and thinks we should incorporate that area into them. Mr. Ayers will investigate ways to hire a supplement contractor and will contact NCDOT to see what can be done and report back to the Board.

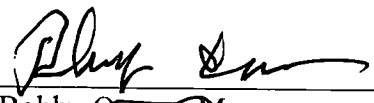
Commissioner Walker asked about the August meeting; the Board normally cancels that meeting. Mr. Ayers acknowledged the Boards tradition but right now we have items for the August 5<sup>th</sup> agenda.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Collins seconded by Commissioner Walker the meeting was adjourned at 6:50 pm was approved by the following roll call vote: Ayes: Commissioners Burke, Collins, Walker, Borland and Selby. Nays: None. Absent: Mann.

This the 15<sup>th</sup> day of July 2020

ATTEST:

  
Becky Brecholz, Town Clerk

  
Bobby Owens, Mayor



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**RESOLUTION 2020-04 AUTHORIZING AND RATIFYING LOCAL GOVERNMENT EXECUTION OF  
PUBLIC BEACH & ESTUARINE ACCESS GRANT CONTRACT**

EXCERPT OF MINUTES OF A REGULAR MEETING OF THE *Board of Commissioners* of the Town of Manteo, North Carolina.

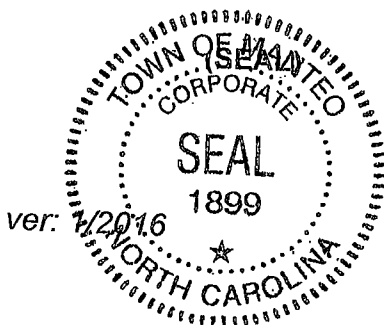
A regular meeting of the *Board of Commissioners* of the *Town of Manteo* was held in the *Manteo Town Hall, 407 Budleigh St., Manteo, NC* the regular meeting place, on *March 6, 2019* with *7 of 7 Commissioners* present. The *Town of Manteo* was duly advised of a proposed contract between the *Town of Manteo* and the North Carolina Department of Environmental Quality (DEQ) for Public Beach & Estuarine Access grant funds through the presentation and discussion of the project known as *Boardwalk Replacement Project*. Under the terms of said contract, the *Town of Manteo* would pay a total of *\$22,031 local cash match and \$10,000 non-cash* as its local share of the total project costs. In recognition of the contract, the *Town of Manteo* approved budget ordinances and amendments thereto expecting the associated grant revenues and directing their expenditure along with the expenditure of other funds on the project. On July 18, 2018, the *Board of Commissioners* held a public hearing to receive comments on the grant application and were made aware that the grant application would be submitted in the following months and the project would be moving forward. The *Town of Manteo* pursued such grant with the knowledge and consensus of the *Board of Commissioners* and no members of the *Board of Commissioners* objected to the *Town of Manteo* entering a contract with DEQ for the grant funding.

BE IT RESOLVED, BY THE *Board of Commissioners of the Town of Manteo*

- 1) That a contract between the *Town of Manteo* and the North Carolina Department of Environmental Quality be and the same is hereby approved and ratified.
- 2) That the *Town Manager* and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the *Town of Manteo* and forward the same to the North Carolina Department of Environmental Quality. All prior actions of the Town Manager or other Town officials in executing and forwarding said contract are hereby approved and ratified.
- 3) That upon final execution, a copy of said approved and ratified contract shall be filed with the minutes of this meeting.
- 4) Upon motion of *Commissioner Selby* seconded by *Commissioner Borland* said resolution was passed by a vote of *5* in favor to *0* opposed.

I, *Becky Breiholz*, Clerk of the *Town of Manteo* North Carolina do hereby certify that the foregoing is a true copy of so much of the proceedings of the *Town of Manteo* at a meeting held on *July 15, 2020* as related to the contract between the *Town of Manteo* and the North Carolina Department of Environmental Quality, relative to the *Boardwalk Project* for the *Town of Manteo*, North Carolina.

WITNESS my hand and the corporate seal of the said *Manteo*, North Carolina this the *15<sup>th</sup>* day of *July*, 20*20*.



*Becky Breiholz*  
(Clerk Signature)

40-21-111

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NORTH CAROLINA

DARE COUNTY

This instrument has been preaudited in the manner required by the Local Government Budgets and Fiscal Control Act.

William O. Lee  
Town of Manteo, Finance Officer

AMENDMENT TO CONTRACT FOR FIRE  
PROTECTION SERVICE

This Amendment to the contract for fire protection service entered into on June 1, 2015 (the "Original Contract") by and between Town of Manteo, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina (the "Town"), and Roanoke Island Volunteer Fire Department (the "RIVFD") is effective as of July 1, 2020.

RECITALS

1. The parties desire to extend the Term of Contract as defined in the Original Contract for an additional five years.
2. Other than the extension of the Term of Contract for an additional five years, the parties desire to have the remaining provisions of the Original Contract apply to the Amended Contract between the parties.

NOW, THEREFORE, for and in consideration of the mutual covenants expressed herein it is agreed as follows:

- A. The year "2020" shall be stricken and replaced by the year "2025" in Section 2 (Term of Contract) in the Original Contract.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the 15<sup>th</sup> day of July, 2020.

ATTEST:

Becky Brechöf  
Town Clerk

TOWN OF MANTEO

By: Bobby Shuman  
Mayor

ATTEST:

[Signature]  
Secretary

ROANOKE ISLAND VOLUNTEER FIRE DEPT.

By: [Signature]  
President

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CLERK

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